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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:

DARYL FRED HELLER,

Debtor.

Chapter 11

Case No. 25-11354 (JNP)

AUSTIN BUSINESS FINANCE, LLC,

Plaintiff and Counter-Defendant,

v.

HELLER CAPITAL GROUP, LLC,
BLACKFORD HOLDINGS, LLC, BLACKFORD
ATM VENTURES, LLC, POWERQWEST
FINANCIAL, LLC, POWERCOIN, LLC and
DARYL HELLER,

Defendants and Counter-Plaintiffs.

Adv. Pro. No.

Removed from:

IN THE DISTRICT COURT
WILLIAMSON COUNTY, TEXAS
480TH JUDICIAL DISTRICT

CASE NO. 24-1799-C480

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Daryl Fred Heller, the Chapter 11 debtor and debtor-in-possession (the “Debtor”), in the bankruptcy case pending before the United States Bankruptcy Court for the District of New Jersey, by and through its proposed counsel McManimon, Scotland & Baumann, LLC, hereby respectfully removes the above-captioned action *Austin Business Finance, LLC v Heller Capital Group, LLC, Blackford Holdings, LLC, Blackford ATM Ventures, LLC, Powerqwest Financial, LLC, Powercoin, LLC and Daryl Heller*, Cause No. 24-1799-C480, (the “Action”) and all claims and causes of action therein, from the District Court, Williamson County, Texas, 480th Judicial District, to the United States Bankruptcy Court for the District of New Jersey,

pursuant to Title 28 of the United States Code, Sections 1334(b) and 1452(a), Federal Rule of Bankruptcy Procedure 9027 and Local Rule of Bankruptcy Procedure 9027-1(a). The Debtor respectfully states as follows:

BACKGROUND

1. On August 20, 2024, Austin Business Finance, LLC (the “Plaintiff”) filed a Petition commencing the Action against Heller Capital Group, LLC, Blackford Holdings, LLC, Blackford ATM Ventures, LLC, PowerQwest Financial, LLC, PowerCoin, LLC and the Debtor (collectively, the “Heller Defendants”) in the District Court, Williamson County, Texas, 480th Judicial District. The complaint seeks to recover money regarding a breach of contract.

2. On October 14, 2024, the Heller Defendants filed an answer to the Plaintiff’s Petition.

3. On December 2, 2024, the Heller Defendants filed a Counterclaim against Plaintiff.

4. On December 9, 2024, the Plaintiff filed an answer to the Heller Defendants’ Counterclaim.

5. On February 10, 2025, the Debtor filed a petition for relief under Chapter 11, title 11 of the United States Code.

BASIS FOR REMOVAL

6. Removal of the Action is proper under Title 28 of the United States Code, Sections 1334(b) and 1452(a), Federal Rule of Bankruptcy Procedure (“Bankruptcy Rules”) 9027 and Local Rule of Bankruptcy Procedure 9027-1(a) because the Action directly relates to claims against the Debtor and the value of certain unliquidated claims.

7. Under 28 U.S.C. § 1452, “[a] party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit’s police or regulatory power, to the district court for the district

where such civil action is pending, if such district court has jurisdiction of such claim or cause or cause of action under section 1334 of this title.” 28 U.S.C. § 1452(a).

8. Pursuant to 11 U.S.C. § 1334(b), “[e]xcept as provided in subsection (e)(2), and notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11 or arising in or related to cases under title 11.” 28 U.S.C. § 1334(b).

9. Further, Local Rule of Bankruptcy Procedural 9027-1(a) provides that “a party wishing to remove a claim or cause of action from a state or other federal court to the Bankruptcy Court shall file a “Notice of Removal” with the Clerk of the Bankruptcy Court.

10. In the present matter, the Action is “related to” Debtor’s bankruptcy proceeding because, as noted, the Action directly affects the claim in this bankruptcy case as well as the body of unsecured creditors in any plan.

11. Therefore, given that issues arising under the Action directly relate to the Debtor’s bankruptcy proceeding, there is a jurisdictional basis for removal to this Court.

WHEREFORE, the Debtor submits that the Action is properly removed and is now properly before the United States District Court for the District of New Jersey pursuant to Title 28 of the United States Code, Sections 1334(b) and 1452(a), Federal Rule of Bankruptcy Procedure 9027 and Local Rule of Bankruptcy Procedure 9027-1(a).

Respectfully,

**McMANIMON, SCOTLAND
& BAUMANN, LLC**

*Proposed Counsel for Daryl Fred Heller, the Chapter
11 Debtor and Debtor-in-Possession*

By: /s/ Sari B. Placona
Sari B. Placona

Dated: March 17, 2025